



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
WU-16J

APR 15 2014

**CERTIFIED MAIL 7009 1680 0000 7664 6710**  
**RETURN RECEIPT REQUESTED**

Daniel B. Yohe, President  
Don Yohe Enterprises, Inc.  
74054 Church Street, P.O. Drawer 250  
Armada, Michigan 48005

**Subject: Information Request Pursuant to Section 1445(a) of the Safe Drinking Water Act,  
42 U.S.C. § 300j-4(1), 40 C.F.R. §§ 144.17 and 144.51(h), and U.S. Environmental  
Protection Agency Permit #MI-137-2D-0062  
UIC Information Request No. V-UIC-14-1445-001**

Dear Mr. Yohe:

The U.S. Environmental Protection Agency is currently gathering information related to the operation of the above referenced permit issued to Don Yohe Enterprises, Inc. That permit was recently the subject of a transfer request by NuEnergy Operating, Inc. This request requires information regarding historic operations and maintenance of Don Yohe Enterprises, Inc.'s wells in Michigan, including the Koscielniak #8 Salt Water Disposal (SWD) well.

EPA is authorized under Section 1445(a) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300j-4(1), and 40 C.F.R. §§ 144.17 and 144.51(h), to require reports and other information necessary to evaluate compliance with SDWA or its implementing regulations. In addition, Part I.E.6 of the above referenced permit, establishes the duty to provide information to determine compliance with the permit, as required under 40 C.F.R. § 144.51(h). Accordingly, you are directed under these authorities to provide EPA with the information requested in the enclosure.

Please submit the information requested in the accompanying documents with a statement certifying that all representations contained therein are true and accurate to the best of your knowledge and belief using the certification language provided. Please exercise care to assure that responses are complete and accurate. Failure to fully and truthfully respond to requests for information issued under Section 1445(a) of SDWA, 42 U.S.C. § 300j-4(a), can result in significant civil, criminal, or administrative penalties under Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c).

Please be advised that provisions of false, fictitious, or fraudulent statements or representations may subject you to criminal fines or up to five years of imprisonment or both under 18 U.S.C. § 1001.

EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. §§ 3501 – 3521.

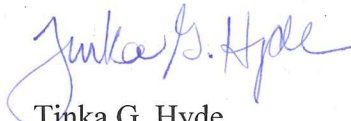
Neither the issuance of this Information Request by EPA nor compliance with this Information Request by you, relieves you of liability for any penalty, fine, remedy, or sanction authorized to be imposed pursuant to Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c), including but not limited to any violations addressed by this Information Request. EPA specifically reserves the right to seek any or all of the remedies specified in Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b)(1), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c).

Please respond in writing with the information requested in the enclosure, within thirty (30) days of receipt of this letter with copies to:

Underground Injection Control Branch  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd. (WU-16J)  
Chicago, Illinois 60604-3590  
Attention: Tim Elkins, Environmental Scientist

Thank you for your cooperation in this matter. Should you have any questions, please contact Tim Elkins of my staff at (312) 886-0263 or at [elkins.timothy@epa.gov](mailto:elkins.timothy@epa.gov).

Sincerely,



Tinka G. Hyde  
Director, Water Division

Enclosure

cc: Mark Snow, Michigan Department of Environmental Quality (MDEQ)  
Joe Pettit, MDEQ  
Larry Organek, MDEQ

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	Request No. V-UIC-14-1445-001
	)	
Don Yohe Enterprises, Inc.	)	Proceeding under
of Armada, Michigan	)	Section 1445(a) of the
	)	Safe Drinking Water Act,
UIC Permit No. MI-137-2D-0062	)	42 U.S.C. § 300j-4(1),
"Koscielniak #8 SWD" well	)	and 40 C.F.R. §§ 144.17
	)	and 144.51(h)

**INFORMATION REQUEST**

**I. STATUTORY AUTHORITY**

The following request is made pursuant to the authority vested in the Administrator of the U.S. Environmental Protection Agency by the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f-300j-26, 40 C.F.R. § 144.17, and Part I.E.6 of UIC Permit # MI-137-2D-0062, which establishes the duty to provide information required under 40 C.F.R. § 144.51(h). The EPA Administrator has delegated this authority to the Regional Administrator of EPA, Region 5, who has duly re-delegated this authority to the undersigned Director of the Water Division, Region 5. Failing to adequately respond to requests for information issued under Section 1445(a) of SDWA, 42 U.S.C. § 300j-4(a), can result in significant civil, criminal, or administrative penalties under Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c).

**II. INSTRUCTIONS**

1. You must respond separately to each of the questions or requests in the Information Request. Where a "yes" or "no" answer is requested, you may provide additional information. Precede each answer with the number of the Information Request to which it corresponds. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question or request to which it responds.
2. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source. You must provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available.
3. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to EPA. Moreover, should the Respondent find, at any time after the submission

of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify EPA as soon as possible.

4. In answering each question, identify all persons and contributing sources of information you relied on for your answer.
5. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
6. If Don Yohe Enterprises, Inc. does not have records responsive to a particular question or request, state in your written response that Don Yohe Enterprises, Inc. does not have such documents.
7. Confidential Information. You must provide the information requested even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201 - 2.311. Under 40 C.F.R. § 144.5, the entitlement does not apply to information in permit application forms, and claims of confidentiality for the following will be denied: name and address of any permit applicant or permittee, permit applications, permits, and injection data. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice to you.**
8. In submitting the information required in this Information Request, Don Yohe Enterprises, Inc. must provide the following certification signed by either a principal executive officer or ranking official:

*I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

The individual who prepared the response or the responsible company official acting on behalf of the company must sign and date the statement, affidavit, or certification. Include the company official's full title.

9. Don Yohe Enterprises, Inc. must maintain all reports and records reviewed or generated in the course of responding to this Information Request until EPA informs Don Yohe Enterprises, Inc. that maintenance of such records is no longer required or for 3 years, whichever is sooner.

### III. DEFINITIONS

1. "Day" or "days" means a calendar day or calendar days. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of the next business day.
2. "EPA" means the United States Environmental Protection Agency.
3. "Facility or activity" means any UIC "injection well," or another facility or activity that is subject to regulation under the UIC program.
4. "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.
5. "Injection" means the subsurface emplacement of fluids through a well.
6. "Injection well" means a "well" into which "fluids" are being injected.
7. "Manifest" means the shipping document originated and signed by the "generator" which contains the information required by subpart B of 40 C.F.R. part 262.
8. "Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the UIC program.
9. "Permit" means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of parts 144, 145, 146, and 124. "Permit" includes an area permit (40 C.F.R. § 144.33) and an emergency permit (40 C.F.R. § 144.34). Permit does not include UIC authorization by rule (40 C.F.R. § 144.21), or any permit which has not yet been the subject of final agency action, such as a "draft permit."
10. "Person" means an individual, association, partnership, corporation, municipality, State, Federal, or Tribal agency, or an agency or employee thereof.
11. "Record" or "records" means, for purposes of this Information Request, any recording of information in tangible form. It includes, but is not limited to, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, emails, computer files, computer printouts, and computer databases.
12. "Regional Administrator" means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

13. "SDWA" means the Safe Drinking Water Act (Pub. L. 93-523, as amended; 42 U.S.C. §§ 300f - 300j-26).
14. "Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.
15. "SWD" means salt water disposal "well".
16. "Total dissolved solids" means the total dissolved (filterable) solids as determined by use of the method specified in 40 C.F.R. part 136.
17. "Transferee" means the owner or operator receiving ownership and/or operational control of the well.
18. "Transferor" means the owner or operator transferring ownership and/or operational control of the well.
19. "UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved State program."
20. "Underground injection" means a "well injection."
21. "Underground source of drinking water (USDW)" means an aquifer or its portion:
  - (a)(1) Which supplies any public water system; or
  - (2) Which contains a sufficient quantity of ground water to supply a public water system; and
    - (i) Currently supplies drinking water for human consumption; or
    - (ii) Contains fewer than 10,000 mg/l total dissolved solids; and
  - (b) Which is not an exempted aquifer.
22. "Well" means a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; an improved sinkhole; or a subsurface fluid distribution system.
23. "Well injection" means the subsurface emplacement of fluids through a well.
24. "You" for purposes of this Information Request means the addressee of the Information Request, the addressee's officers, managers, trustees, any agents, employees, contractors, or other entities that performed work or acted in any way on behalf of, or at the direction of Don Yohe Enterprises, Inc.

#### **IV. REQUESTS**

1. Identify all persons consulted or contacted in the preparation of the answers to this Information Request.
2. Provide the name and address of any locations where Records relative to the operation and maintenance (O&M) of the Koscielniak #8 SWD well are maintained.

3. Provide the name(s) of the primary contact person(s) responsible for O&M of the Koscielniak #8 SWD during the past five years. Also include the contact person(s) full title, telephone, fax, and email contact information.
4. Provide the following information for sources of all injected fluid for the Koscielniak #8 SWD for the past five years:
  - a. Name(s), address(es) and phone number(s) of the waste generator(s) (producer(s)), including name(s) of the company(s) that own or operate the production well(s) from which injection fluids (including but not limited to brine) originated;
  - b. Name(s) and applicable Federal or State ID number(s) of the waste hauler(s) or transporter(s) from which injection fluids (including but not limited to brine) originated;
  - c. Name(s) of the production well(s) in which injection fluids (including but not limited to brine) originated;
  - d. Name(s) of field(s) or project(s) from which injection fluid originated; and
  - e. Township Section and Range of all source fluids (i.e. production wells location)
5. For all injected fluid from sources other than production wells owned by Don Yohe Enterprises, Inc., complete the following chart or include an attachment with your response. If flow entering the Koscielniak #8 SWD well, or tank batteries, from production wells not owned by Don Yohe Enterprises, Inc. is metered, then provide the annual volume of fluid received at the facility. If flow is not metered, then provide annual estimates of the volume of fluids injected into the Koscielniak #8 SWD well, from sources not owned by Don Yohe Enterprises, Inc. during the past five years.

Company, Well Name, Well Location and Fluid Type	Number of Barrels/Gallons Injected	Dates	Was EPA notified of the addition of this source? Yes (with date) or No



6. Provide copies of all document relied on to prepare answers to the chart in request 5.
7. Has Don Yohe Enterprises, Inc. entered into written or verbal agreements (contracts, charters, etc.) with other companies for disposal of fluid at the Koscielniak #8 SWD well facility?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe and include dates of transaction and terms of agreements and provide copies of all written documentation of those agreements.

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8. Has the ownership of the Koscielniak #8 SWD well changed since the time permit # MI-137-2D-0062 was originally issued by EPA?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, provide copies of all documents evidencing all changes in ownership.

Was the Michigan Department of Environmental Quality (MDEQ) notified of all changes in ownership?

Yes \_\_\_\_\_ No \_\_\_\_\_

Was the U.S. EPA notified of all changes in ownership?

Yes \_\_\_\_\_ No \_\_\_\_\_

Did MDEQ approve of the change(s) in ownership of the Koscielniak #8 SWD well?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answer yes to any of the above questions, please attach documentation of the notices and approvals.

9. Does Don Yohe Enterprises, Inc. have a procedure for requesting EPA approval of additional injection fluid sources?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe your procedure and provide all documents related to the procedure.

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10. Provide the name(s) of the person(s) who approved and signed, as well as the name(s) of the person(s) responsible for approving and signing the Koscielniak #8 SWD monitoring reports, and for submitting all required information to EPA, during the past five years. Also include the contact person(s) full title, telephone, fax, and email contact information.



11. Has the Koscielniak #8 SWD well system experienced operational or mechanical integrity problems, such as casing leaks or leaking annulus, in the past five years?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, describe the nature and extent of mechanical integrity problems that the Koscielniak #8 SWD well has experienced and provide all documents related to any such problems.

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If yes, please answer a - c below:

- a. Was EPA notified of all mechanical integrity problems in the last 5 years?  
Yes \_\_\_\_\_ No \_\_\_\_\_

- b. How was the mechanical integrity problem(s) corrected? Please also provide all supporting documents.

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- c. If EPA was notified, please describe how EPA was notified and provide all notification documents.

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12. Is there a procedure for the reporting of any loss of mechanical integrity to the EPA (i.e., 24 hr call and 5 Day written report)?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe.

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Please submit your responses to this Information Request within thirty (30) calendar days to:

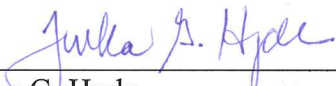
Underground Injection Control Branch (WU-16J)  
U.S. EPA Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590  
Attention: Timothy Elkins, Environmental Scientist

This Information Request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 - 3521, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

EPA may use the information submitted in response to this Information Request in an administrative, civil, or criminal action.

Neither the issuance of this Information Request by EPA nor compliance with this Information Request by you, relieves you of liability for any penalty, fine, remedy, or sanction authorized to be imposed pursuant to Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c), including but not limited to any violations addressed by this Information Request. EPA specifically reserves the right to seek any or all of the remedies specified in Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b)(1), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c).

Please contact Tim Elkins of my staff at (312) 886-0263, or via email at [elkins.timothy@epa.gov](mailto:elkins.timothy@epa.gov) if you have any questions about this Information Request.

  
\_\_\_\_\_  
Tinka G. Hyde  
Director, Water Division  
U.S. Environmental Protection Agency  
Region 5

Date 4/15/14